THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HONBLE SRI JUSTICE C.Y.SOMAYAJULU

–

WRIT APPEAL NO.2410 OF 2005.

DATED: 19-12-2005

Between

1.R.Raju son of S.Sammaiah, aged
about 33 yrs, working as Secondary
Grade Teacher in Aided Saraswathi
High School, Warangal and 4 others.

….Appellants

And

1.The Regional Joint Director of
School Education, Warangal and
3 others.

…Respondents

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JUDGMENT (Per Sri B.Prakash Rao, J)

Heard both sides and at their request, the main appeal itself is taken up for disposal.

The unsuccessful writ petitioners are the appellants herein who seek to assail the

order dismissing the writ petition wherein they sought writ of mandamus challenging the proceedings, dated 25-02-2004, rejecting their claim and with a further direction to regularize their services from the date of their initial appointment and grant all other consequential benefits.

On contest and on perusal of the rules governing under G.O.Ms.No.1, dated 01-01-1994, the learned single Judge especially taking into consideration the specific words used in Rule 12 (9) of the Rules held that as long as there is no approval, the petitioners cannot make any claim and further though the petitioners have been appointed earlier, no approval was followed later. Hence the writ petition and the writ appeal.

The learned counsel for the appellants submits that having regard to the fact that the appellants were appointed earlier, the question of denying any such benefit does not arise. Even otherwise, it is pointed out that in the similar circumstances, Government issued orders regularizing the services from the date of initial appointment and also at the time of selection, representative of the Government is also present and therefore, they would be entitled to all such consequential benefits from the date of their initial appointment and not from the later approval.

Having considered the submissions made and on perusal of record, we are of the opinion that Rule 12 (9) of the Rules issued under G.O.Ms.No.1 is very clear and it contemplates that unless and until approval is there, question of valid appointment does not arise and any appointment is subject to the approval. Thus, in the absence of any approval, no right can be conferred to the individuals to make any claim. Merely because, the representative of the Government is present at the time of selection or the fact that there was selection, no enforceable right can be created. In view of the same, we do not find any reasons to differ with the view taken by the learned single Judge.

Therefore, the writ appeal is dismissed. No costs.

B.PRAKASH RAO, J

Dated: 19-12-2005.

C.Y.SOMAYAJULU, J

Hsd